



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
FILLMORE FIELD OFFICE  
35 East 500 North  
Fillmore, UT 84631  
<http://enbb.blm.interwebdesign.com>



5/027/048

**RECEIVED**

JUN 30 2000

DIVISION OF  
OIL, GAS AND MINING

IN REPLY REFER TO:  
3809  
(U-010)  
UTU-070722

June 28, 2000

CERTIFIED MAIL # Z 135 573 540  
RETURN RECEIPT REQUESTED

## DECISION



KEITH CARPENTER	:	
VICE PRESIDENT	:	43 CFR 3809
INDUSTRIAL MINERAL	:	NOTICE OF
74910 CHATEAU CIRCLE	:	NONCOMPLIANCE
INDIAN WELLS CA 92210	:	

On January 6, 1994, we accepted a Notice on Intent (NOI) for your company to conduct mining operations in the NE¼ of Section 26, T. 23 S., R. 9 W. On August 25, 1994, a surface compliance inspection conducted in the presence of Thom Clark, who signed the NOI, confirmed your company had created about 2500 square feet of disturbance, which at the time of the most recent inspection on June 6, 2000, had not been reclaimed.

43 CFR §3809.1-3(c)(3) states:

"At the earliest feasible time, the operator shall reclaim the area disturbed..."

To correct this situation, you must commence reclamation of the disturbance within thirty days of receipt of this Notice of Noncompliance. Reclamation must include:

- Backfilling the trench;
- Placement of any available topsoil over the re-graded areas; and
- Seeding of the disturbed area with an approved seed mix at the specified rate.

Failure to complete the above steps will result in the establishment of a record of noncompliance. Once a record of noncompliance is



established then a plan of operations must be submitted within 30 days under section 3809.1-9 for all existing and subsequent operations that would otherwise be conducted pursuant to a notice (3809.1-3). In addition, the operator or mining claimant will have 90 days to post with the Utah State Office a financial guarantee (bond) for all existing disturbances for which they are responsible. Failure to timely submit the financial guarantee will result in withdrawal of approval of all existing mining activity. Continuation of mining activity, without submission of the required financial guarantee may result in fines, or imprisonment or both.

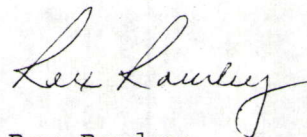
In accordance with 43 CFR 3809.4, you have the right of appeal to the Utah State Director, Bureau of Land Management. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal of modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

The statement of reasons should contain the following information:

1. The name and mailing address of the appellant,
2. (If applicable,) the name and serial numbers of any mining claims which are subject to the appeal, and
3. A statement of reasons for the appeal and any arguments you wish to present, which would justify reversal of modification to the decision.

If you have any questions regarding this notice of noncompliance, please call Larry Garahana at 435-743-3126.

Sincerely,



Rex Rowley  
Field Manager

cc: Tom Munson, UDOGM (S/027/048)  
Thom Clark, 7081 S 2400 W, West Jordan, UT 84084  
Sue Oertle, PO Box 797, El Cajon, CA 92022